

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FILED
U.S. DISTRICT COURT
DISTRICT OF NEBRASKA
05 SEP 13 PM 1:31

TERRY PRICE,

8:05CV361

Plaintiff,

MEMORANDUM AND ORDER

vs.

MERCK & CO., INC.,

Defendant.

The Judicial Panel on Multidistrict Litigation has advised this court via the attached correspondence that the above-captioned matter may now be transferred to the United States District Court for the Eastern District of Louisiana after no opposition to the Panel's previous Conditional Transfer Order (CTO-22) was received. The Panel's correspondence cautions that Panel Rule 1.6(a), pertaining to transfer of files, is suspended for purposes of this litigation. Accordingly, the transferee district clerk shall request, and the transferor district clerk shall forward, only those files deemed necessary by the transferee district court.

Hence, I shall order that this action be transferred to the United States District Court for the Eastern District of Louisiana; that this case be closed for statistical purposes only; and that the Clerk of Court not transfer the court file in this matter until the transferee district court so requests.

IT IS ORDERED:

1. The Clerk of the United States District Court for the District of Nebraska shall file the attached correspondence from the Judicial Panel on Multidistrict Litigation, along with this memorandum and order;
2. This case is transferred to the docket of the Honorable Eldon E. Fallon

in the United States District Court for the Eastern District of Louisiana;

3. The Clerk of the United States District Court for the District of Nebraska shall close this case for statistical purposes;
4. The Clerk of the United States District Court for the District of Nebraska shall **not** send a copy of the court file in this matter to the United States District Court for the Eastern District of Louisiana until so requested by that court.

September 13, 2005.

BY THE COURT:

s/ Richard G. Kopf

United States District Judge

**UNITED STATES OF AMERICA
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

CHAIRMAN:

Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:

Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
Washington, D.C. 20002

Telephone: [202] 502-2800
Fax: [202] 502-2888

<http://www.jpml.uscourts.gov>

September 9, 2005

Loretta G. Whyte, Clerk
C-151 U.S. Courthouse
500 Poydras Street
New Orleans, LA 70130-3367

Re: MDL-1657 -- In re Vioxx Products Liability Litigation

(See Attached Schedule CTO-22)

Dear Ms. Whyte:

I am enclosing a certified copy and one additional copy of a conditional transfer order filed by the Panel in the above-captioned matter on August 24, 2005. As stipulated in Rule 7.4(a) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), transmittal of the order has been stayed 15 days to give any party an opportunity to oppose the transfer. The 15-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The Panel's governing statute, 28 U.S.C. §1407, requires that the transferee clerk "...transmit a certified copy of the Panel's order to transfer to the clerk of the district court from which the action is being transferred."

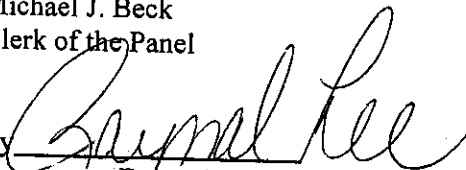
The Panel has ordered that its Rule 1.6(a), pertaining to transfer of files, be suspended for purposes of this litigation. Accordingly, the transferee district clerk shall request, and the transferor district clerk shall forward, only those files deemed necessary by the transferee district court.

A list of involved counsel is attached.

Very truly,

Michael J. Beck
Clerk of the Panel

By


Deputy Clerk

Attachments

cc: Transferee Judge: Judge Eldon E. Fallon
Transferor Judges: (See Attached List of Judges)
Transferor Clerks: (See Attached List of Clerks)

RECEIVED

SEP 13 2005

**RICHARD G. KOPF
U.S. DISTRICT JUDGE**

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

AUG 24 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1657

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

IN RE VIOXX PRODUCTS LIABILITY LITIGATION

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-22)

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,259 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

Inasmuch as no objection is
pending at this time, the
stay is lifted.

SEP - 9 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

SCHEDULE CTO-22 - TAG-ALONG ACTIONS
DOCKET NO. 1657
IN RE VIOXX PRODUCTS LIABILITY LITIGATION

DIST. DIV. C.A. #CASE CAPTION

ALABAMA NORTHERN

ALN 2 05-1505

Bonnie Morrow v. Merck & Co., Inc.

ALN 6 05-1512

Patricia Sutherland v. Merck & Co., Inc., et al.

ALABAMA SOUTHERN

~~ALS 2 05-425~~~~Marquerite Woods v. Merck & Co., Inc., et al. Opposed 9/9/05~~

ARKANSAS WESTERN

ARW 6 05-6052

Betty Featherston, et al. v. Merck & Co., Inc.

CALIFORNIA NORTHERN

CAN 3 05-2881

Peggy Johnson v. Merck & Co., Inc., et al.

CAN 3 05-2894

David McArthur v. Merck & Co., Inc.

FLORIDA MIDDLE

FLM 3 05-683

Carol Lee Watkins v. Merck & Co., Inc.

FLM 3 05-684

Brenda Schneble v. Merck & Co., Inc.

FLM 3 05-685

Jacqueline Silva, etc. v. Merck & Co., Inc., et al.

FLM 3 05-686

Ann Danziger, et al. v. Merck & Co., Inc., et al.

FLORIDA SOUTHERN

FLS 9 05-80662

Alice Thomashefski v. Merck & Co., Inc.

ILLINOIS NORTHERN

~~ILN 1 05-4103~~~~Norbert Cipowski, etc. v. Merck & Co., Inc., et al. Opposed 9/8/05~~

ILLINOIS SOUTHERN

ILS 3 05-508

Betty Herrick v. Merck & Co., Inc.

KENTUCKY WESTERN

KYW 1 05-100

Sharron Haynes v. Merck & Co., Inc.

LOUISIANA MIDDLE

LAM 3 05-965

Aujest Cheramie v. Merck & Co., Inc.

MAINE

ME 1 05-111

Carol Lally v. Merck & Co., Inc.

MINNESOTA

MN 0 05-1407

John Utke v. Merck & Co., Inc.

MN 0 05-1466

Connie S. Bell v. Merck & Co., Inc.

MN 0 05-1475

Elizabeth M. Skofich v. Merck & Co., Inc.

MN 0 05-1534

Marjorie J. Savoie v. Merck & Co., Inc.

MISSOURI EASTERN

MOE 4 05-1129

Geraldine Moore, et al. v. Merck & Co., Inc., et al.

MOE 4 05-1161

John Fischer v. Merck & Co., Inc.

MOE 4 05-1164

Robert O'Conner v. Merck & Co., Inc.

SCHEDULE CTO-22 TAG-ALONG ACTIONS (MDL-1657)

PAGE 2 of 3

<u>DIST. DIV. C.A. #</u>	<u>CASE CAPTION</u>
MISSISSIPPI NORTHERN MSN 1 05-176	Dora Prince v. Merck & Co., Inc.
MISSISSIPPI SOUTHERN MSS 3 05-435	Kathy DeKay, et al. v. Merck & Co., Inc.
MONTANA MT 2 05-47	Stanley Hanson, et al. v. Merck & Co., Inc.
NORTH CAROLINA EASTERN NCE 7 05-138	Daisy Stevens v. Merck & Co., Inc.
NEBRASKA NE 8 05-361	Terry Price v. Merck & Co., Inc.
NEW MEXICO NM 1 05-597	Kirk Bailey, etc. v. Merck & Co., Inc.
NEW YORK EASTERN NYE 1 05-3336 NYE 1 05-3337 NYE 1 05-3391	Teresa Binkowska v. Merck & Co., Inc. Anna Lambropoulos, et al v. Merck & Co., Inc. Mark Bergman v. Merck & Co., Inc., et al.
NEW YORK SOUTHERN NYS 1 05-6630	Gene Stein v. Merck & Co., Inc.
OHIO NORTHERN OHN 4 05-1512	Frank W. Bodak, et al. v. Merck & Co., Inc.
OHIO SOUTHERN OHS 2 05-648 OHS 2 05-680 OHS 2 05-694	Glenna M. Moyer, et al. v. Merck & Co., Inc. Thomas Holowitz v. Merck & Co., Inc. Kathy Melvin-Knodel, etc. v. Merck & Co., Inc.
OREGON OR 3 05-1105	Robert Kanable v. Merck & Co., Inc.
PENNSYLVANIA EASTERN PAE 2 05-3560 PAE 2 05-3681 PAE 2 05-3684 PAE 2 05-3693 PAE 2 05-3696 PAE 2 05-3740 PAE 2 05-3773 PAE 2 05-3832	Louis LaPila, et al. v. Merck & Co., Inc., et al. Linda Gates, et al. v. Merck & Co., Inc. Richard M. Armour, et al. v. Merck & Co., Inc. Diana M. Trakimas v. Merck & Co., Inc. Karen S. Krout, et al. v. Merck & Co., Inc. Milo Magnan, et al. v. Merck & Co., Inc., et al. Sharon McClinton Jones, etc. v. Merck & Co., Inc., et al. Barbara Salyers v. Merck & Co., Inc., et al.
PENNSYLVANIA WESTERN PAW 3 05-306	Donald Graham, Sr., etc. v. Merck & Co., Inc.
RHODE ISLAND RI 1 05-325	Shirley Asan v. Merck & Co., Inc.

SCHEDULE CTO-22 TAG-ALONG ACTIONS (MDL-1657)

PAGE 3 of 3

DIST. DIV. C.A. #CASE CAPTION

TENNESSEE WESTERN

TNW 1 05-1168
 TNW 1 05-1209
 TNW 1 05-1210
 TNW 1 05-1211
 TNW 2 05-2534

John J. Stockton, et al. v. Merck & Co., Inc.
 LeRoyce Wallace, et al. v. Merck & Co., Inc., et al.
 Tilda N. Simmons v. Merck & Co., Inc., et al.
 James H. Oliver, et al. v. Merck & Co., Inc., et al.
 Edmund Raines v. Merck & Co., Inc., et al.

TEXAS EASTERN

TXE 2 05-335
 TXE 2 05-336

Larry G. Burdett, et al. v. Merck & Co., Inc., et al.
 Charleen R. Hranicky, et al. v. Merck & Co., Inc., et al.

TEXAS SOUTHERN

~~TXS 1 05-210~~
 TXS 4 05-2556

~~Jackie Roberts, etc. v. Juan Marcos Garcia, M.D., et al. Opposed 9/8/05~~
 John O'Neill, et al. v. Merck & Co., Inc.

TEXAS WESTERN

TXW 1 05-531
 TXW 1 05-540
 TXW 3 05-270

Ronald D. Boyd, et al. v. Merck & Co., Inc.
 Marilyn J. Walters v. Merck & Co., Inc.
 Martin Galindez v. Merck & Co., Inc.

WASHINGTON EASTERN

WAE 2 05-221

John Stephen Moore, et al. v. Merck & Co., Inc.

INVOLVED JUDGES LIST (CTO-22)
DOCKET NO. 1657
IN RE VIOXX PRODUCTS LIABILITY LITIGATION

Hon. Henry Lee Adams, Jr.
 U.S. District Judge
 United States District Court
 11-200 U.S. Courthouse
 300 N. Hogan Street
 Jacksonville, FL 32202-4245

Hon. William H. Barbour, Jr.
 U.S. District Judge
 430 James O. Eastland U.S.
 Courthouse
 245 East Capitol Street
 Jackson, MS 39201

Hon. James J. Brady
 U.S. District Judge
 369 Russell B. Long Federal Bldg.
 777 Florida Street
 Baton Rouge, LA 70801-1712

Hon. Frederick R. Buckles
 U.S. Magistrate Judge
 U.S. District Court
 Thomas F. Eagleton U.S. Courthouse
 111 South Tenth Street
 St. Louis, MO 63102-9958

~~Hon. Elaine E. Buckle~~
~~U.S. District Judge~~
~~Everett McKinley Dirksen~~
~~U.S. Courthouse~~
~~219 South Dearborn Street~~
~~Chicago, IL 60604~~

Hon. Maxine M. Chesney
 U.S. District Judge
 Phillip Burton U.S. Courthouse
 Box 36060
 450 Golden Gate Avenue
 San Francisco, CA 94102-3489

Hon. Robert T. Dawson
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 U.S. District Court
 P.O. Box 1624
 Fort Smith, AR 72902-1624

Hon. Peter C. Economus
 U.S. District Judge
 313 Federal Building & U.S.
 Courthouse
 125 Market Street, Room 313
 Youngstown, OH 44503

Hon. Keith P. Ellison
 U.S. District Judge
 Bob Casey U.S. District Court
 515 Rusk Street
 Room 8631
 Houston, TX 77002

Hon. Patricia C. Fawsett
 Chief Judge, U.S. District Court
 611 George C. Young U.S. Courthouse
 80 North Hughey Avenue
 Orlando, FL 32801

Hon. Louise Wood Flanagan
 Chief Judge, U.S. District Court
 U.S. District Court
 413 Middle Street
 New Bern, NC 28560

Hon. Donovan W. Frank
 U.S. District Judge
 738 Warren E. Burger Federal Bldg.
 316 North Robert Street
 St. Paul, MN 55101

Hon. Gregory L. Frost
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 349 Joseph P. Kinneary U.S. Courthouse
 85 Marconi Boulevard
 Columbus, OH 43215

Hon. John P. Fullam
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 15614 James A. Byrne U.S. Courthouse
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Hon. Kim R. Gibson
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 104 Penn Traffic Building
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~~Hon. Callie V.S. Granade~~
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 215 First Avenue, North
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 156 Federal Street
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Hon. Inge P. Johnson
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 361 Hugo L. Black U.S. Courthouse
 1729 5th Avenue North
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Hon. Sterling Johnson, Jr.
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Hon. Richard G. Kopf
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 310 John O. Pastore Federal Bldg.
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INVOLVED JUDGES LIST (CTO-22) MDL-1657

PAGE 2 of 2

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INVOLVED CLERKS LIST (CTO-22)
DOCKET NO. 1657
IN RE VIOXX PRODUCTS LIABILITY LITIGATION

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INVOLVED CLERKS LIST (CTO-22) MDL-1657

PAGE 2 of 2

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